

AN ACT

RELATING TO AGRICULTURE; AMENDING AND ENACTING SECTIONS OF THE COTTON BOLL WEEVIL CONTROL ACT; PROVIDING FOR TERMINATION OF COTTON BOLL WEEVIL CONTROL COMMITTEES; PROVIDING ADDITIONAL POWERS; EXEMPTING COMMITTEES FROM THE PROCUREMENT CODE AND THE PERSONNEL ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 76-6A-10 NMSA 1978 (being Laws 1996, Chapter 77, Section 10) is amended to read:

"76-6A-10. REFERENDUM--COTTON BOLL WEEVIL CONTROL DISTRICTS--COTTON BOLL WEEVIL CONTROL COMMITTEES.--After public hearing, if the director decides there is justification for creating a cotton boll weevil control district, the department shall hold a referendum. When cotton producers who represent sixty-six percent of the cotton acreage within the area threatened with or infested by the cotton boll weevil vote in favor of the establishment of a cotton boll weevil control district, a cotton boll weevil control district shall be created. The cotton producers within a cotton boll weevil control district shall promptly establish, and shall elect not less than three nor more than seven members to, a cotton boll weevil control committee. Cotton boll weevil control committee members shall not receive per diem or compensation for their services. Cotton

boll weevil control districts and cotton boll weevil control committees shall cease to exist when the cotton boll weevil control committee and the director determine that all financial and legal obligations have been satisfied."

Section 2. Section 76-6A-11 NMSA 1978 (being Laws 1996, Chapter 77, Section 11, as amended) is amended to read:

"76-6A-11. COTTON BOLL WEEVIL CONTROL COMMITTEES--
ADDITIONAL DUTIES AND POWERS.--

A. Cotton boll weevil control committees may:

(1) conduct programs to suppress or eradicate cotton boll weevils within their cotton boll weevil control districts;

(2) cooperate in the administration of the Cotton Boll Weevil Control Act through the use of state or federal personnel and facilities or both;

(3) contract for services or enter into cooperative agreements;

(4) publish information and conduct seminars on the distribution and control of the cotton boll weevil;

(5) levy and collect a special assessment, based on cotton acreage or cotton yield per acre within the cotton boll weevil control districts; and

(6) borrow money or accept grants, donations or contributions for any purpose consistent with the powers and duties of the cotton boll weevil control committee.

B. Cotton boll weevil control committees shall provide a complete accounting of the funds collected through the special assessment to all participating cotton producers in the cotton boll weevil control districts.

C. The cotton boll weevil control committee shall send notice of the establishment of a cotton boll weevil control district and its defined boundaries to the organic commodity commission within fourteen days of its establishment.

D. If the cotton boll weevil control district includes certified organic acreage, the cotton boll weevil control committee shall select an organic farmer operating within the district, who shall have all the powers of a committee member, to serve on the cotton boll weevil control committee."

Section 3. A new section of the Cotton Boll Weevil Control Act is enacted to read:

"EXEMPTION FROM PROCUREMENT CODE AND PERSONNEL ACT.-- Cotton boll weevil control committees are exempt from the provisions of the Procurement Code and the Personnel Act. The committee members and committee employees are public employees for the purposes of the Tort Claims Act and shall be provided all insurance and self-insurance coverage provided by the risk management division of the general services department."